

The jurisdiction of the court depends upon the allegations alone. Extent of such jurisdiction. *Barrick v. Horner*, 78 Md. 258. And see *Gayle v. Fattle*, 14 Md. 84.

The mere payment of usury will not entitle the mortgagor to an injunction; *contra*, if the payments on principal and interest are equal to or greater than the indebtedness. *Gantt v. Grindall*, 49 Md. 313; *Walker v. Cockey*, 38 Md. 78; *Powell v. Hopkins*, 38 Md. 13.

Purpose of this section. It is only declaratory of a general principal of equity. *Powell v. Hopkins*, 38 Md. 11.

A sale will not be stayed because a stranger has instituted ejectment, there being no allegation that his claim is valid. *Gayle v. Fattle*, 14 Md. 85.

This section is not applicable to mortgage sales under the local law applicable to Baltimore city. *Abrahams v. Tappe*, 60 Md. 322.

This section referred to in construing section 9. *Warfield v. Ross*, 38 Md. 90.

For a note on injunctions "affecting mortgages and parties thereto," see *Salmon v. Claggett*, 3 Bl. 125.

Cited but not construed in *Heck v. Renika*, 47 Md. 75.

As to injunctions in general, see art. 16, sec. 78, *et seq.*

1904, art. 66, sec. 17. 1888, art. 66, sec. 17. 1860, art. 64, sec. 16.
1826, ch. 192, sec. 8.

17. If any such injunction shall be granted the court or judge granting the same shall have power, on proof of ten days' notice to the plaintiff, to hear and decide on a motion to dissolve such injunction, and on hearing any such motion, if the court or judge shall feel satisfied that the same was obtained through misrepresentation and for delay, the court or judge shall decree that the party who obtained the same shall pay interest to the mortgagee or to the party claiming under him at the rate of ten per cent. per annum on the amount of the mortgage debt from the time of granting the injunction until the same shall be dissolved and shall enforce the execution of such decree as in other cases.

Ibid. sec. 18. 1888, art. 66, sec. 18. 1860, art. 64, sec. 17.
1826, ch. 192, sec. 8.

18. Before granting any such injunction the court or judge granting the same shall require the plaintiff or some person on his behalf, with at least two good securities to be approved by said judge or clerk, to execute to the mortgagee or person claiming or acting under him, and file in court a bond in such penalty as the court or judge shall prescribe, conditioned to obey, abide by, perform and fulfill such decree and order as shall be made in the premises, upon which bond the mortgagee or his assigns shall be entitled to recover all such debt, damages, interest and costs as shall be decreed on dissolving the injunction.

The filing of a bond, is a condition precedent to the granting of an injunction under section 16. *Thrift v. Bannon*, 111 Md. 308.

Ibid. sec. 19. 1888, art. 66, sec. 19. 1860, art. 64, sec. 18.
1826, ch. 192, sec. 6.

19. The purchaser of any estate or interest in lands and tenements sold under this article, on the confirmation of the sale to him, shall be entitled to sue forth out of the court confirming the same, a writ of